

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JULIA TEAGUE,

Plaintiff,

v.

OMNI HOTELS MANAGEMENT
CORPORATION and
TRT HOLDINGS INC.,

Defendants.

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No. 1:19-CV-00940-JRN

Agreed Motion for Amended Judgment of Dismissal

The parties have settled all claims in this lawsuit. Based upon those settlement terms, and pursuant to Federal Rule of Civil Procedure 59, the parties ask this Court to amend its prior Final Judgment (Doc. 110) and enter an Amended Final Judgment providing for dismissal of all claims in this case with prejudice, with each party to bear that party's own costs and attorneys' fees.

On August 25, 2021, the clerk entered on the docket this Court's final judgment (Doc. 110). Thereafter, the parties reached agreement on settlement terms. Pursuant to Federal Rule of Civil Procedure 59, this Court may amend its judgment upon a motion filed within 28 days from the date of the entry of a final judgment. Fed. R. Civ. P. 59(e). That deadline is September 22, 2021. Therefore, the present motion to amend the Final Judgment is timely filed.

The parties jointly represent that the settlement terms provide for amending the judgment to provide for a judgment of dismissal with prejudice of all claims asserted by any party, with each party to bear its own costs and attorneys' fees. Rule 59(e) authorizes this relief. Rule 60(b) also authorizes this relief. *See* Fed. R. Civ. P. 60(b)(5) ("On motion and just terms, the court may relieve

a party or its legal representative from a final judgment, order, or proceeding for the following reasons: . . . (5) the judgment has been satisfied, released, or discharged.”).

The parties therefore jointly request that this Court vacate its prior judgment and render an amended judgment of dismissal of all parties’ claims with prejudice, with each party to bear that party’s own costs and attorneys’ fees, thus resulting in an amended final judgment in this matter.

Respectfully submitted,

/s/ Rachel Powitzky Steely

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